

# 17



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	Group Art Unit: 3618
	)	
JOHN S. BIBB, ET AL.	)	Examiner: Christopher Bottorff
	)	
Application Number: 09/587,544	)	Paper No.: 13
	)	
Filed: June 5, 2000	)	
	)	
Title: PILOT HYDRAULIC CONTROL FOR A	)	
PAIR OF STABILIZER LEGS ON A	)	
BACKHOE LOADER MACHINE	)	
	)	
	)	
<u>Attorney Docket No.: 00-318</u>	)	

Peoria, Illinois 61629-6490

July 10, 2003

Deputy Commissioner of Patent Examination Policy  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**  
JUL 17 2003  
**OFFICE OF PETITIONS**

PETITION FOR REVIVAL OF AN APPLICATION FOR A PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137 (b)

Sir/Madam:

OVERVIEW

Applicants hereby petition the Deputy Commissioner to revive the above patent application due to the fact that it was abandoned unintentionally, as outlined and described in more detail in the following sections:

BACKGROUND

Applicants received a call from the Examiner on January 7, 2003 to inquiry about the lack of response to the final rejection dated April 30, 2003. However, Applicants had filed a timely response after final rejection on July 25, 2002 that apparently had not been received by the Examiner. As requested by the Examiner, Applicants faxed a copy of the July 25, 2002 response to the final rejection to the Examiner's attention on January 8, 2003, along with the certificate of mailing. The Examiner then mailed an Advisory Action, dated

January 10, 2003, that stated that the patent application was not in condition for allowance. Therefore, a period for reply was set for three months after the mailing date of the final rejection (which had already expired on October 25, 2003).

In response to the Advisory Action and Applicant's obvious inability to submit a reply within an already expired time period, Applicants filed a 'Petition Under 1.183 To Waive Rules Under 1.134' in order to reset the period for reply to allow Applicants to submit a Notice of Appeal. In hopes that the period for reply would be reset and in concern of having to possibly pay additional extensions of time on the reset period for reply, Applicants filed a Notice of Appeal (with one month extension) and Appeal Brief, respectively on February 3, 2003 and April 2, 2003.

On June 11, the 'Petition Under 1.183 To Waive Rules Under 1.134' was considered. In response thereto, it was determined that the Advisory Action sent by the Examiner on January 10 was improper. Further, it was determined that the 'Petition Under 1.183 To Waive Rules Under 1.134' would be considered a 'Petition to Withdraw the Holding of Abandonment' that was "Dismissed" because, under MPEP 714.13, Applicants are responsible to call the Supervisory Patent Examiner (SPE) when an amendment after final has been filed and no action is taken by the Examiner within the statutory time allowed so that the cause of delay may be determined.

#### PETITION REQUEST

Therefore, due to the confusion on this issue and that the Applicants did not call the SPE within the statutory time allowed after no action was taken on the response after the final rejection, as is required under MPEP 714.13, Applicants hereby petition the Deputy Commissioner to revive the above patent application from unintentional abandonment.

#### ATTACHMENTS

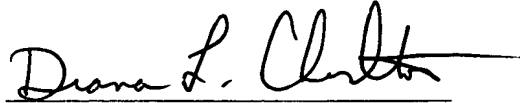
It should be noted that Applicants include herewith the response due after final rejection dated July 25, 2002, along with a transmittal with certificate of mailing, the Advisory Action dated January 10, 2003, the Notice of Appeal dated February 3, 2003, including a copy of Petition Under 1.183 to Waive Rules Under 1.134 dated January 23, 2003, and the Brief on Appeal dated April 2, 2003.

CONCLUSION

It is respectfully believed that the above patent application is entitled to revival and revival is respectfully requested. Further, it is respectfully requested that the above patent application will proceed to appeal without delay.

A Fee Transmittal, in duplicate, is attached. Please charge associated fees to Deposit Account No. 03-1129.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Diana L. Charlton", written over a horizontal line.

Diana L. Charlton  
Registration No. 36,103  
Caterpillar Inc.

Telephone: (309) 675-5083  
DLC:vlm  
Enc.